Hovsepian v. Apple, Inc.
Doc. 293 Att. 4

Exhibit E

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PATENT
Attorney Docket No. 02473.0001-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
Paul Yurt, et al.	)	
Serial No. 07/637,562	)	Group Art Unit: 262
Filed: January 7, 1991	)	Examiner: R. Smith
For: AUDIO AND VIDEO TRANSMISSION AND RECEIVING SYSTEM	)	

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Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

AMENDMENT

In response to the Office Action dated August 29, 1991, the period of response to which extends through November 29, 1991, please amend the above captioned application as follows.

IN THE SPECIFICATION:

Page 9, line 9, change "systema" to --systems--.

Page 11, line 3, change "is" to --as--;

line 7, change "send a movie" and insert --have a movie sent--; and

line 14, after "items" insert --for--.

Page 13, line 25, change "communicated" to --communicate--.

Page 14, line 15, change "the any of" to --any of the--.

Page 16, line 14, after "such" insert --as in--; and

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Lang in view of U.S. Patent No. 4,947,244 issued to Fenwick et al.; and objects to claim 28 as being dependent upon a rejected base claim.

On behalf of the Applicants, the undersigned thanks the Examiner for the courtesy extended during the personal interview conducted on September 25, 1991. In response to the outstanding Office Action, and in light of the discussion during the interview with the Examiner, Applicants have made the following specification and claim amendments and offer the comments set forth below.

Specifically, Applicants have amended the specification to correct several minor errors and have amended claims 10 and 11 in the manner suggested by the Examiner. Particularly, Applicants amended page 31, line 16 of the specification is order to make it consistent with page 29, lines 8-11 of the specification. Applicants have also amended claims 1-8, 13, 18, 19, 22, 26, 27, 29, 30, and 31, to define the present invention more appropriately and have added claims 33-40, which depend variously from independent claims 1, 18, and 22, for aspects of the disclosed invention for which the original claims did not specifically provide.

Applicants also have added independent claims 41, 47, and 54 which correspond generally with independent claims 1, 18, and 22, in order to obtain full apparatus and method coverage consistent with coverage provided by the original claims. Dependent claims 42, 43, 45, 46, and 55-57, respectively, correspond generally to claims 3, 4, 6, 7, 19,

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26, 29, and 31. Dependent claims 44, 49, 53, and 58, respectively, correspond generally to new dependent claims 33, 34, 35, and 36. Applicants have also added dependent claims 50-52 to further define the distribution system recited in new independent claim 40.

Claims 1-58 are pending in the patent application. The following remarks address the Examiner's objections and rejections in the order presented in the outstanding Office Action.

In paragraph 2 of the Office Action the Examiner objects to claims 10 and 11 as being in improper from. In response, Applicants have amended each of claims 10 and 11 to recite the dependency as "one of claims 1 or 9." Applicants therefore request reconsideration and withdrawal of this objection and examination of these claims.

In paragraph 4 of the Office Action, the Examiner rejects claims 1-6, 8, 9, 12-17, 22-27, and 29-32 under 35 U.S.C. § 102(e) as being anticipated by Lang. This position is respectfully traversed.

The Examiner characterizes Lang by stating that it "discloses a video/audio storage system which is capable of providing information to remote locations." Particularly, the Examiner asserts that Lang includes library means as element 11. Applicants disagree.

Element 11 of Lang is not a library means as used in the present invention, but merely an audio video recording unit (AVRU) which "may be a video cassette recorder similar to a

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conventional VCR in which the storage media 23 is a magnetic tape." See col. 1, lines 38-40 of Lang. As claim 7 recites, the information in the stored items of the library means is later reformatted, converted, and compressed for storage in a compressed data storage means in the same format. Thus, a library means may have analog video tapes stored in their original formats, but the information in each tape will be converted into a predetermined format, ordered into data blocks, and compressed before being stored into compressed data storing means.

The AVRU 11 of Lang and the claimed library means are not analogous. AVRU 11 uses a standard video tape that is not a library means. Lang "envisions" a library at some time in the future. (See col. 7, line 67 through col. 8, line 2 of Lang), but such a library is clearly not AVRU 11. Moreover, Applicants submit that the incorporation of a library into the system in Lang is only envisioned because of a lack of knowledge of how to incorporate such a library. Applicants, however, have solved the problems left open in Lang.

Further regarding claim 1, the Examiner argues that col. 4, lines 28-31 of Lang discloses the recited identification encoding means. This cannot be because the functions of the identification encoding means are to retrieve of information from the source material library means and to assign a unique identification code to the retrieved information. The referenced section of Lang

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performs neither function. That section discloses that "the sync signals are decoded to isolate signals for each picture frame for processing." Such "isolation" is not retrieval of information or assigning of an identification code as called for in independent claim 1. At best it is a type of decoding wholly unrelated to any of the elements of claim 1.

The Examiner also asserts that col. 4, lines 41-54 of Lang shows the ordering means, also recited in independent claim 1. The ordering means places the formatted data into a sequence of addressable data blocks. The referenced section of Lang merely discusses dividing each frame into an array of pixels. Thus, the system in Lang does not place data into a sequence of addressable data blocks, or suggest such an operation.

In the Office Action, the Examiner did not explicitly address the claims dependent from claim 1 or point out where Lang discloses their limitations.

Many of those claims, however, have independent bases for patentability.

For example, Lang does not disclose the formatting means recited in claims 3, 4, and 5, or the compressed data library means recited in claim 6. Additionally, while Lang discloses compression (see col. 4, lines 63-65), Lang does not show the precompression processing means of claim 8. Finally, Lang does not disclose either the means for performing multi-dimensional analysis of claim 12, the means for identifying repeating patterns of claim 13, or the particulars of the

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multi-dimensional analysis means recited in each of claims 14-17.

Regarding amended independent claim 22, Lang does not disclose a receiver which is responsive to user requests from a source material library remote from the receiver. Particularly, Lang is not concerned with allowing users to access remote materials, but with improving the functionality of a conventional VCR. Moreover, while Lang discloses an operating mode in which a first VCR-ET transmits information to a second VCR-ET, in such a mode the second VCR-ET merely acts as a passive receiver, not as a device which transmits requests to a source material library. See col. 9, line 55 through col. 10, line 5 of Lang. There is no indication in Lang that the second VCR-ET requests information or in any way selects what information should be sent to it.

Finally, Lang does not teach or suggest a receiving system (i.e., a second VCR-ET) which receives information as compressed, formatted data blocks, as required in amended independent claim 22. In this sense, claim 22 is allowable for many of the same reasons as claim 1 is. The data received by the receiving system in claim 22 is in the format of the data transmitted by the transmission system of claim 1, and just as the formatting functions of claim 1 are not taught by the art, neither are the "deformatting" functions of claim 22.

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